

REMARKS

This reply is filed in response to the Office Action mailed May 28, 2004. Claims 1-37 are pending and claims 1-18 have been withdrawn pursuant to a restriction requirement.

The Applicant acknowledges a telephone conversation between the Examiner and John F. Dolan, the Attorney of Record, wherein a restriction requirement to one of the following Groups was conveyed to Mr. Dolan by the Examiner pursuant to 35 U.S.C. § 121:

I: Claims 1-18 drawn to a method, classified in class 427, subclass 126, and

II: Claims 19-37, drawn to a product classified in class 428, subclass 432.

In response to the restriction requirement, Applicants elected Group II (Claims 19-37) with traverse. The Applicant traverses the restriction requirement on the grounds that no serious burden on the Examiner exists. If the search and examination of an entire application can be made without serious burden, it must be examined on the merits even though it includes claims directed to distinct or independent invention. M.P.E.P § 803. The subject matter of Groups I-II are believed sufficiently related that a thorough search for the subject matter of any one group would encompass a search for the subject matter of the two groups. To avoid duplicative examination by the Patent Office and unnecessary delay and expense to Applicant, Applicant respectfully requests examination on the merits of all the claims, not just those of Group II. Therefore, the Applicant respectfully requests that the Examiner consider rejoining the method of preparation claims of Group I upon a finding of allowability of the claims of Group II.

The Examiner has also rejected claims 19-37 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,637,438 or U.S. Patent No. 5,834,103 in view of Miyazaki et al. (U.S. Patent No. 5,413,864) or Oyama et al. (U.S. Patent No. 4,859,532) or Finley et al. (U.S. Patent No. 4,898,789). The Applicants respectfully traverse the rejection. However, to advance prosecution of this Application and to obtain allowance on allowable claims at the earliest possible date, the Applicants are filing terminal disclaimers in compliance with 37 CFR 1.321(c) to overcome the rejection based on a nonstatutory double patenting ground and to show common ownership of the present application and the two cited primary references. Therefore, no admission may be inferred

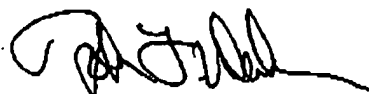
Application No. 10/724,485

by this response and the terminal disclaimers enclosed herein and the Applicants reserve the right to pursue similar claims in the future. Copies of the terminal disclaimers pursuant to 37 CFR 1.321(c) are attached with this response.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



John F. Dolan  
Registration No. 45,382

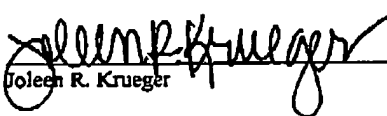
Customer No. 22859  
Fredrikson & Byron, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, MN 55402-1425 USA  
Telephone: (612) 492-7000  
Facsimile: (612) 492-7077

*Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.*

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. (703) 872-9306 on the date shown below.

October 28, 2004  
Date of Deposit

  
Joellen R. Krueger

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